

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/622,557	07/18/2003	David J. Young	1391-39000	4807	
46133 7	590 07/15/2005		EXAMINER		
CONLEY ROSE, P.C.			CHANG, JOSEPH		
PO BOX 3267 HOUSTON, T	X 77253-3267		ART UNIT PAPER NUMBER		
			2817		

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

CV
7"

Office Action Summary			Applicati	on No.	Applicant(s)					
Doseph Chang 2817			10/622,5	57	YOUNG ET AL.					
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE g MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Education of the many be evaluated under the procession of 3 CFR 1.138(a). In the event, however, may a right be timinly filed the process of the period for right psychiation under the procession of 3 CFR 1.138(a). In the event, however, may a right be timinly filed in the period for right psychiation under the procession of 3 CFR 1.138(a). In the event, however, may a right be timinly filed in the period for right psychiation under the procession of the procession of the procession of the procession of the period for right psychiation down, the manifold and one to the procession of the proces	Office Action Summary		Examiner		Art Unit					
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the AILING DATE OF THIS COMMUNICATION. If the Priod for reply specified above, the maximum statutory period will apply and will agree SIX (6) MONTHS from the mailing date of this communication. If the priod for reply is specified above, the maximum statutory period will apply and will agree SIX (6) MONTHS from the mailing date of this communication. If the priod for reply specified above, the maximum statutory period will apply and will agree SIX (6) MONTHS from the mailing date of this communication. If the priod for reply specified above, the maximum statutory period will apply and will agree SIX (6) MONTHS from the mailing date of this communication, which is the mailing date of this communication, even if threely fleed, may reduce any search patient term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filled on										
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(s) FROM THE MAILING DATE OF THIS COMMUNICATION. Eatherstore (as the many be arother before province of 3 C.FR.1.38(a). In or event, however, may a reply be timely filled to the period for reply specified above is less than thinty (0) days, with the statisticy minimum of thinty (0) days will be considered timely. If the period for reply specified above is less than thinty (0) days, a reply within the statisticy minimum of thinty (0) days will be considered timely. If the period for reply specified above is less than thinty (0) days, a reply within the statisticy minimum of thinty (0) days will be considered timely. If the period for reply specified above is less than thinty (0) days, a reply within the statisticy minimum of thinty (0) days will be considered timely. If the period for reply specified above is less than thinty (0) days, and the period of the communication of the period of the statistic transplation of the period of the communication of the period of the period of the communication of the period of the communication of the period of the period of the communication of the period of the period of the communication of the period of the communication of the period of the p	Pariod fo	The MAILING DATE of this communication ap	ppears on the	e cover sheet with the c	orrespondence ad	Idress				
THE MAILING DATE OF THIS COMMUNICATION. Extensions of the may be available under be provided as the communication of 2CFR 1.136(a). In no event, however, may a raply be timely filed after SX (6) MONTHS from the mailing date of this communication of SX (6) MONTHS from the mailing date of this communication. It NO period for reply is specified above, the maximum statistary period within the statistary provided for reply is such discovered by the Office developed by the Office developed by the Office developed by the Office developed by the Office date from the remaining date of this communication, even if timely filed, may reduce any search patient time adjustment. One 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on		• •								
1) Responsive to communication(s) filed on	THE - Exte after - If the - If NC - Failu Any	MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a rep period for reply is specified above, the maximum statutory period re to reply within the set or extended period for reply will, by statut reply received by the Office later than three months after the mailing	136(a). In no ev ply within the stat I will apply and w te, cause the app	ent, however, may a reply be tim utory minimum of thirty (30) days ill expire SIX (6) MONTHS from lication to become ABANDONE	nely filed s will be considered timel the mailing date of this c	ly. ommunication.				
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-62 Is/are pending in the application. 4a) Of the above claim(s) 7-31,37 and 50-55 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-6.32-36,38-49 and 56-62 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-62 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some One of the priority documents have been received in Application No. 2 Certified copies of the priority documents have been received in Application No. 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Altachment(s) 1) Notice of References Cited (PTO-892) 2 Notice of Paterna Patent Application (PTO-152) 5 Notice of Informal Patent Application (PTO-152) 6 Other: 9 Notice of Informal Patent Application (PTO-152) 6 Other:	Status									
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-62 is/are pending in the application. 4a) Of the above claim(s) 7-31,37 and 50-55 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-62-32-39.38-49 and 56-62 is/are rejected. 7) Claim(s) 1-62 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 100 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some C) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Altechment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Teamerson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 27/18/03.	1)[Responsive to communication(s) filed on								
Closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)	2a)□	— , , , , , , , , , , , , , , , , , , ,								
Application of Claims 4) □ Claim(s) 1-62 is/are pending in the application. 4a) Of the above claim(s) 7-31,37 and 50-55 is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 7) □ Claim(s) is/are allowed. 8) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to by the Examiner. 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheel(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: □ □ Certified copies of the priority documents have been received. □ □ Certified copies of the priority documents have been received in Application No 3 □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(a) 1) □ Notice of References Cited (PTO-822) □ Notice of Patisperson's Patent Drawing Review (PTO-948) □ Paper No(s)Mail Date 5 □ Notice of Informal Patent Application (PTO-152) □ Notice of Paten	3)	·								
4) Claim(s) 1-62 is/are pending in the application. 4a) Of the above claim(s) 7-31,37 and 50-55 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 7) Claim(s) is/are objected to. 8) Claim(s) 1-6.32-36,38-49 and 56-62 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-6.2 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheel(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1		closed in accordance with the practice under	Ex parte Qι	<i>layl</i> e, 1935 C.D. 11, 45	53 O.G. 213.					
4a) Of the above claim(s) 7-31.37 and 50-55 is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) 1-6.2-36.38-49 and 56-62 is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) 1-6.2 are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) □ Notice of References Cited (PTO-982) 2) □ Notice of Oraftsperson's Patent Drawing Review (PTO-948) 3) □ Interview Summary (PTO-413) Paper No(s)/Mail Date	Disposit	ion of Claims								
4a) Of the above claim(s) 7-31.37 and 50-55 is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) 1-6.2-36.38-49 and 56-62 is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) 1-6.2 are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) □ Notice of References Cited (PTO-982) 2) □ Notice of Oraftsperson's Patent Drawing Review (PTO-948) 3) □ Interview Summary (PTO-413) Paper No(s)/Mail Date	4)⊠	Claim(s) 1-62 is/are pending in the application	n.							
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some colonomer	5)□ 6)⊠ 7)□	4a) Of the above claim(s) <u>7-31,37 and 50-55</u> is Claim(s) is/are allowed. Claim(s) <u>1-6,32-36,38-49 and 56-62</u> is/are rej Claim(s) is/are objected to.	s/are withdr		1.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date 5) Notice of Information Patent Application (PTO-152) Paper No(s)/Mail Date S. Patent and Trademark Office	Applicati	on Papers								
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date 5) Notice of Information Patent Application (PTO-152) Paper No(s)/Mail Date S. Patent and Trademark Office	9)	The specification is objected to by the Examin	er							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Pafsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/18/03. S. Patent and Trademark Office										
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Interview Summary (PTO-413) Paper No(s)/Mail Date 7/18/03. 5 Patent and Trademark Office										
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Interview Summary (PTO-413) Paper No(s)/Mail Date 7/18/03. 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 7/18/03. 5) Notice of Informal Patent Application (PTO-152) Notice of Informal Patent Application (PTO-152) Notice of Informal Patent Application (PTO-152)				·	` '	FR 1.121(d)				
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Braftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/18/03. 5. Patent and Trademark Office	11)									
a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/18/03. S Patent and Tademark Office	Priority ι	ınder 35 U.S.C. § 119								
2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/18/03. S Patent and Trademark Office		☐ All b)☐ Some * c)☐ None of:			-(d) or (f).					
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/18/03. Separated and Trademark Office										
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. Paper No(s)/Mail Date. 5) Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date 7/18/03. S. Patent and Trademark Office										
* See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/18/03. S. Patent and Trademark Office **See the attached detailed Office action for a list of the certified copies not received. 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. 9 Notice of Informal Patent Application (PTO-152) Other:		•								
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/18/03. S. Patent and Trademark Office 1 Interview Summary (PTO-413) Paper No(s)/Mail Date. 5 Notice of Informal Patent Application (PTO-152) Other: S. Patent and Trademark Office	* 6	• • • • • • • • • • • • • • • • • • • •								
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/18/03. 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other:		ree the attached detailed Office action for a list	i oi ine certi	nea copies not receive	a.					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/18/03. 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other:		•								
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/18/03. S. Patent Trademark Office	Attachmen	c(s)								
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/18/03. 5) Notice of Informal Patent Application (PTO-152) 6) Other: S. Patent and Trademark Office	1) Notic	e of References Cited (PTO-892)		4) Interview Summary	(PTO-413)					
TOL 000 (D	3) 🛛 Inforn	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08))	Paper No(s)/Mail Da 5) Notice of Informal Pa	te	D-152)				
			ction Summa	ry Par	rt of Paper No./Mail Da	ate 20050707				

Art Unit: 2817

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 1-6, 32-62 drawn to Group I in the reply filed on 1/18/05 is acknowledged.

Claims 7-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/18/05.

Upon further examination, claims 37, 50-52 should have been grouped as Invention II and claims 53-55 should have been grouped as Invention III and therefore, claims 37 and 50-55 are withdrawn from further consideration.

Thus, claims 1-6, 32-36, 38-49 and 56-62 drawn to Group I, are the elected Invention.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

⁽b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Application/Control Number: 10/622,557

Art Unit: 2817

Claims 1-6, 32-36, 38-43, 56-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartera, US Patent No. 3879992.

Regarding Claims 56, Bartera discloses a method (Figures 1-2) comprising determining an operating temperature of a first crystal (10) based on a difference in frequency (36, Col.4, lines 11-14) between a signal generated based on the first crystal (10) and a signal generated based on a second crystal (12) that is thermally coupled to the first crystal (Col. 6, line 55).

Regarding Claim 57, Bartera discloses adjusting a clock signal (col.2, lines 33-35) generated based on the first crystal (10) for frequency variations of the first crystal (10) related to the operating temperature (col.2, lines 19-33).

Regarding Claim 58, 1, 32, 33, 36, 38, 39, Bartera discloses as discussed above and further discloses generating a first signal (20) based on a frequency of oscillation of the first crystal (10); generating a second signal (22) based on a frequency of oscillation of the second crystal (12); wherein the first signal's frequency is more stable, with respect to temperature, than the second signal's frequency (col. 2, line 29). It is noted that the preamble recitation "a down hole clock source" has not been given a patentable weight because it is a mere statement of use and the prior art structure is capable of performing the intended use.

Regarding claims 2, 40-43, 59-62, Bartera discloses as discussed above and further discloses maintaining a first count value (28) proportional to the first signal's frequency (20); and maintaining a second count value (30) proportional to the second signal's frequency (30); calculating ratio of the first and second count value (36),

Art Unit: 2817

wherein the ratio of the first and second count values is proportional to the temperature of the crystals (10,12).

Regarding claims 3, 4, 34, 35, Bartera discloses as discussed above and further discloses a storage device (plotter 41). It is noted that the recitation "temperature is stored prior to deployment downhole" has not been given a patentable weight because it is a statement process which has been well established by the Courts that it is the patentability of the final product per se which must be determined in a "product-by-process" claim, and not the patentability of the process, and that an old or obvious product produced by a new method is not patentable as a product, whether claimed in "product-by-process" form or not. See In re Hirao, 190 USPQ 15 at 17 (footnote 3); In re Brown, 173 USPQ 685; In re Luck, 177 USPQ 523; In re Fessman, 180 USPQ 324; In re Avery, 186 USPQ 161; In re Marosi et al., 218 USPQ 289; and in particular In re Thorpe, 227 USPQ 964.

Regarding claim 5, 36, Bartera discloses as discussed above and further discloses the frequency of the first signal is temperature compensated ("offsetting" col.2, lines 31-34) according to the temperature of the crystals (10,12)

Regarding claim 6, Bartera discloses as discussed above and further discloses a counter (28) coupled to the first oscillator (20 via 24). The functional recitation in the claim inherently exists in the structure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Application/Control Number: 10/622,557

Art Unit: 2817

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 44-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartera in view of Gunawardana et al.

As noted above, Bartera discloses an oscillator having two thermally coupled crystals as recited in the claims. However, its application, a downhole tool is not disclosed.

Gunawardana et al. shows a downhole tool a clock source. As would have been well known in the art, such a downhole tool uses a clock source for synchronization or for the processor and among other devices in the system.

Accordingly, it would have been obvious to one of ordinary skill in the art to apply this oscillator of Bartera to a downhole tool because such application would have provided the benefit of synchronization for the processor and among other devices in the system as intended.

Art Unit: 2817

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kuwabara discloses a temperature compensating circuit having two different frequency-temperature characteristics crystals.

Hayashi discloses a method of measuring temperature using quartz vibrator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Chang whose telephone number is 571 272-1759. The examiner can normally be reached on Mon-Fri 0700-1730.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (571) 272-1769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

> Joseph Chang Patent Examiner Art Unit 2817